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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 UNITED STATES OF AMERICA,)	No. CR 07-0746 JW / PVT
)	
13 Plaintiff,)	STIPULATION TO VACATE HEARING
)	DATE DUE TO ISSUANCE OF BENCH
14 v.)	WARRANT AND TO EXCLUDE TIME;
)	[PROPOSED] ORDER
15 RUDOLPH KERMIT KING,)	
aka KLEVER ROSALES,)	
16)	
Defendant.)	

17

18 Defense counsel, Assistant Federal Public Defender Lara S. Vinnard, and counsel for the
19 government, Assistant U.S. Attorney Thomas Newman, hereby stipulate that, subject to the
20 court's approval, the hearing in the above-captioned matter, presently scheduled for Monday,
21 January 14, 2008, at 11 a.m., should be vacated because a bench warrant has been issued for the
22 defendant.

23 The parties have submitted a separate stipulation and proposed order to the Honorable
24 James Ware seeking to vacate the status date set in that courtroom, and agreeing to an exclusion
25 of time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(3)(A) and (B) because Mr.
26 King is presently unavailable and the arrest warrant is pending.

STIPULATION TO VACATE
HEARING DATE; [PROPOSED] ORDER
No. CR 07-0746 JW / PVT

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2
3 Dated: 1/9/08

/s/
LARA S. VINNARD
Assistant Federal Public Defender

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5 Dated: 1/9/08

/s/
THOMAS NEWMAN
Assistant United States Attorney

6
7 **ORDER**

8 The parties have jointly requested that the hearing set for January 14, 2008, at 11 a.m., be
9 vacated on grounds that a bench warrant has been issued for the defendant.

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
11 presently set for January 14, 2008, be vacated.

12 The Court is advised that the parties are seeking an exclusion of time pursuant to 18
13 U.S.C. § 3161(h)(3)(A) and (B), via a separate stipulation and proposed order that is being
14 submitted to Judge Ware.

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16 Dated:

PATRICIA V. TRUMBULL
United States Magistrate Judge